

(c) NEUTRAL BUOYANCY LABORATORY.—The Administrator is authorized to exercise an option to purchase, for not more than \$35,000,000, the Clear Lake Development Facility, containing the Sonny Carter Training Facility and the approximately 13.7 acre parcel of land on which it is located, using funds authorized by this Act.

#### SEC. 5. COORDINATION WITH SPACE SHUTTLE.

The Administrator shall—

(1) coordinate the engineering functions of the Space Shuttle program with the Space Station Program Office to minimize overlapping activities; and

(2) in the interest of safety and the successful integration of human spacecraft development with human spaceflight operations, maintain at one lead center the complementary capabilities of human spacecraft engineering and astronaut training.

#### SEC. 6. COMMERCIALIZATION OF SPACE STATION.

(a) POLICY.—The Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. The Congress further declares that the use of free market principles in operating, allocating the use of, and adding capabilities to the Space Station, and the resulting fullest possible engagement of commercial providers and participation of commercial users, will reduce Space Station operational costs for all partners and the Federal Government's share of the United States burden to fund operations.

(b) REPORT.—The Administrator shall deliver to the Congress, within 60 days after the submission of the President's budget request for fiscal year 1997, a market study that examines the role of commercial ventures which could supply, use, service, or augment the International Space Station, the specific policies and initiatives the Administrator is advancing to encourage these commercial opportunities, the cost savings to be realized by the international partnership from applying commercial approaches to cost-shared operations, and the cost reimbursements to the United States Federal Government from commercial users of the Space Station.

#### SEC. 7. SENSE OF CONGRESS.

It is the sense of Congress that the "cost incentive fee" single prime contract negotiated by the National Aeronautics and Space Administration for the International Space Station, and the consolidation of programmatic and financial accountability into a single Space Station Program Office, are two examples of reforms for the reinvention of all National Aeronautics and Space Administration programs that should be applied as widely and as quickly as possible throughout the Nation's civil space program.

#### SEC. 8. SPACE STATION ACCOUNTING REPORT.

Within one year after the date of enactment of this Act, and annually thereafter, the Administrator shall transmit to the Congress a report with a complete annual accounting of all costs of the space station, including cash and other payments to Russia.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. HEFLEY, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

#### ¶122.9 PROVIDING FOR THE CONSIDERATION OF H.R. 1170

Mr. DREIER, by direction of the Committee on Rules, called up the following resolution (H. Res. 227):

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered.

After debate,

On motion of Mr. DREIER, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

#### ¶122.10 ORDER OF BUSINESS—CONSIDERATION OF H.R. 1170

On motion of Mr. DREIER, by unanimous consent,

*Ordered*, That during consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court, pursuant to House Resolution 227, the chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows an-

other vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes.

#### ¶122.11 THREE-JUDGE COURT REVIEW FOR STATE REFERENDA

The SPEAKER pro tempore, Mr. HEFLEY, pursuant to House Resolution 227 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court.

The SPEAKER pro tempore, Mr. HEFLEY, by unanimous consent, designated Mr. EWING as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. DREIER, assumed the Chair.

When Mr. EWING, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

#### ¶122.12 RECESS—1:59 P.M.

The SPEAKER pro tempore, Mr. DREIER, pursuant to clause 12 of rule I, declared the House in recess at 1 o'clock and 59 minutes p.m., subject to the call of the Chair until 3:00 p.m.

#### ¶122.13 AFTER RECESS—3:02 P.M.

The SPEAKER pro tempore, Mr. RIGGS, called the House to order.

#### ¶122.14 THREE-JUDGE COURT REVIEW FOR STATE REFERENDA

The SPEAKER pro tempore, Mr. RIGGS, pursuant to House Resolution 227 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge court.

Mr. EWING, Chairman of the Committee of the Whole, resumed the chair.

#### ¶122.15 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mrs. SCHROEDER:

In the first sentence of section 1, strike "Any application" and insert "(a) GENERAL RULE.—Subject to subsection (b), any application".

Add the following at the end of section 1:

(b) APPLICABILITY.—Subsection (a) applies only to—

(1) any case filed in a judicial district, or a division in a judicial district, that has only 1 sitting judge; and

(2) any case that is filed in a judicial district with more than 1 sitting judge but is assigned to a judge in any manner other than on a random basis only.

It was decided in the { Yeas ..... 177  
negative ..... Nays ..... 248

¶122.16

[Roll No. 692]

AYES—177

Abercrombie	Gephardt	Murtha
Ackerman	Gibbons	Nadler
Baldacci	Gonzalez	Neal
Barcia	Green	Oberstar
Barrett (WI)	Gutierrez	Obey
Becerra	Hall (OH)	Ortiz
Beilenson	Hamilton	Owens
Bentsen	Harman	Pallone
Berman	Hastings (FL)	Pastor
Bevill	Hefner	Payne (NJ)
Bishop	Hilliard	Payne (VA)
Bonior	Hinchee	Pelosi
Borski	Holden	Peterson (FL)
Boucher	Houghton	Pickett
Browder	Hoyer	Pomeroy
Brown (CA)	Jackson-Lee	Poshard
Brown (FL)	Jacobs	Rahall
Brown (OH)	Jefferson	Rangel
Bryant (TX)	Johnson (SD)	Reed
Cardin	Johnson, E. B.	Richardson
Chapman	Johnston	Rivers
Clay	Kanjorski	Rose
Clayton	Kaptur	Roybal-Allard
Clement	Kennedy (MA)	Rush
Clyburn	Kennedy (RI)	Sabo
Coleman	Kennelly	Sanders
Collins (MI)	Kildee	Sawyer
Costello	Klecza	Schroeder
Coyne	Klink	Schumer
Cramer	LaFalce	Scott
Danner	Lantos	Serrano
de la Garza	Levin	Skaggs
DeFazio	Lewis (GA)	Skelton
DeLauro	Lincoln	Slaughter
Dellums	Lipinski	Spratt
Deutsch	Lofgren	Stark
Dicks	Lowe	Stokes
Dingell	Luther	Studds
Dixon	Maloney	Stupak
Doggett	Manton	Tanner
Dooley	Markey	Thompson
Doyle	Martinez	Thurman
Durbin	Mascara	Torres
Edwards	Matsui	Torricelli
Engel	McCarthy	Towns
Eshoo	McDermott	Velazquez
Evans	McHale	Vento
Farr	McKinney	Visclosky
Fattah	Meehan	Volkmer
Fazio	Meek	Ward
Fields (LA)	Menendez	Waters
Filner	Mfume	Watt (NC)
Flake	Miller (CA)	Waxman
Foglietta	Mineta	Williams
Ford	Minge	Wise
Frank (MA)	Mink	Woolsey
Frost	Moakley	Wyden
Furse	Mollohan	Wynn
Gejdenson	Moran	Yates

NOES—248

Allard	Camp	English
Andrews	Canady	Ensign
Archer	Castle	Everett
Armey	Chabot	Ewing
Bachus	Chambliss	Fawell
Baesler	Chenoweth	Fields (TX)
Baker (CA)	Christensen	Flanagan
Baker (LA)	Chrysler	Foley
Ballenger	Clinger	Forbes
Barr	Coble	Fowler
Barrett (NE)	Coburn	Fox
Bartlett	Collins (GA)	Franks (CT)
Barton	Combest	Franks (NJ)
Bass	Condit	Frelinghuysen
Bereuter	Cooley	Frisa
Bilbray	Cox	Funderburk
Bilirakis	Crane	Galleghy
Bliley	Crapo	Ganske
Blute	Creameans	Gekas
Boehlert	Cubin	Geren
Boehner	Cunningham	Gilchrest
Bonilla	Davis	Gillmor
Bono	Deal	Gilman
Brewster	DeLay	Goodlatte
Brownback	Diaz-Balart	Goodling
Bryant (TN)	Dickey	Gordon
Bunn	Doolittle	Goss
Bunning	Dornan	Graham
Burr	Dreier	Greenwood
Burton	Dunn	Gunderson
Buyer	Ehlers	Gutknecht
Callahan	Ehrlich	Hall (TX)
Calvert	Emerson	Hancock

Hansen	McHugh	Schiff
Hastert	McInnis	Seastrand
Hastings (WA)	McIntosh	Sensenbrenner
Hayes	McKeon	Shadegg
Hayworth	McNulty	Shaw
Hefley	Metcalf	Shays
Heineman	Meyers	Shuster
Herger	Mica	Sisisky
Hilleary	Miller (FL)	Skeen
Hobson	Molinari	Smith (MI)
Hoekstra	Montgomery	Smith (NJ)
Hoke	Moorhead	Smith (TX)
Horn	Morella	Smith (WA)
Hostettler	Myers	Solomon
Hunter	Myrick	Souder
Hutchinson	Nethercutt	Spence
Hyde	Neumann	Stearns
Inglis	Ney	Stenholm
Istook	Norwood	Stockman
Johnson (CT)	Nussle	Stump
Johnson, Sam	Orton	Talent
Jones	Oxley	Tate
Kasich	Packard	Tauzin
Kelly	Parker	Taylor (MS)
Kim	Paxon	Taylor (NC)
King	Peterson (MN)	Thomas
Kingston	Petri	Thornberry
Klug	Pombo	Thornton
Knollenberg	Porter	Tiahrt
Kolbe	Portman	Trafigant
LaHood	Pryce	Upton
Largent	Quillen	Vucanovich
Latham	Quinn	Waldholtz
LaTourette	Radanovich	Walker
Laughlin	Ramstad	Walsh
Lazio	Regula	Wamp
Leach	Riggs	Watts (OK)
Lewis (CA)	Roberts	Weldon (FL)
Lewis (KY)	Roemer	Weldon (PA)
Lightfoot	Rogers	Weller
Linder	Rohrabacher	White
Livingston	Ros-Lehtinen	Whitfield
LoBiondo	Roth	Wicker
Loungley	Roukema	Wilson
Lucas	Royce	Wolf
Manzullo	Salmon	Young (AK)
Martini	Sanford	Young (FL)
McCollum	Saxton	Zeliff
McCrery	Scarborough	Zimmer
McDade	Schaefer	

NOT VOTING—9

Bateman	Duncan	Tejeda
Collins (IL)	Olver	Torkildsen
Conyers	Reynolds	Tucker

So the amendment was not agreed to.

After some further time,

The SPEAKER pro tempore, Mr. HEFLEY, resumed the Chair.

When Mr. EWING, Chairman, pursuant to House Resolution 227, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

**SECTION 1. 3-JUDGE COURT FOR CERTAIN INJUNCTIONS.**

Any application for an interlocutory or permanent injunction restraining the enforcement, operation, or execution of a State law adopted by referendum shall not be granted by a United States district court or judge thereof upon the ground of the unconstitutionality of such State law unless the application for the injunction is heard and determined by a court of 3 judges in accordance with section 2284 of title 28, United States Code. Any appeal of a determination on such application shall be to the Supreme Court. In any case to which this section applies, the additional judges who will serve on the 3-judge court shall be designated under section 2284(b)(1) of title 28, United States Code, as soon as practicable, and the court shall expedite the consideration of the application for an injunction.

**SEC. 2. DEFINITIONS.**

As used in this Act—

(1) the term “State” means each of the several States and the District of Columbia;

(2) the term “State law” means the constitution of a State, or any statute, ordinance, rule, regulation, or other measure of a State that has the force of law, and any amendment thereto; and

(3) the term “referendum” means the submission to popular vote of a measure passed upon or proposed by a legislative body or by popular initiative.

**SEC. 3. EFFECTIVE DATE.**

This Act applies to any application for an injunction that is filed on or after the date of the enactment of this Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

Mrs. SCHROEDER demanded a recorded vote on passage of said bill, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 266  
affirmative ..... Nays ..... 159

¶122.17

[Roll No. 693]

AYES—266

Allard	Cubin	Herger
Andrews	Cunningham	Hilleary
Archer	Danner	Hobson
Armey	Davis	Hoekstra
Bachus	Deal	Hoke
Baesler	DeLay	Horn
Baker (CA)	Diaz-Balart	Hostettler
Baker (LA)	Dickey	Houghton
Ballenger	Dooley	Hunter
Barcia	Doolittle	Hutchinson
Barr	Dornan	Hyde
Barrett (NE)	Dreier	Inglis
Bartlett	Duncan	Istook
Barton	Dunn	Johnson (CT)
Bass	Ehlers	Johnson, Sam
Bateman	Ehrlich	Jones
Bereuter	Emerson	Kasich
Bilbray	English	Kim
Bilirakis	Ensign	King
Bliley	Everett	Kingston
Blute	Ewing	Klug
Boehlert	Fawell	Knollenberg
Boehner	Fields (TX)	Kolbe
Bonilla	Flanagan	LaHood
Bono	Foley	Largent
Brewster	Forbes	Latham
Brownback	Fowler	LaTourette
Bryant (TN)	Fox	Laughlin
Bunn	Franks (CT)	Lazio
Bunning	Franks (NJ)	Leach
Burr	Frelinghuysen	Lewis (CA)
Burton	Frisa	Lewis (KY)
Buyer	Funderburk	Lightfoot
Callahan	Galleghy	Linder
Calvert	Ganske	Lipinski
Camp	Gekas	Livingston
Canady	Geren	LoBiondo
Castle	Gilchrest	Longley
Chabot	Gillmor	Lucas
Chambliss	Gilman	Luther
Chapman	Goodlatte	Manzullo
Chenoweth	Goodling	Martini
Christensen	Gordon	McCollum
Chrysler	Goss	McCrery
Clinger	Graham	McDade
Coble	Green	McHugh
Coburn	Greenwood	McInnis
Collins (GA)	Gunderson	McIntosh
Combest	Gutknecht	McKeon
Condit	Hall (TX)	McNulty
Cooley	Hancock	Metcalf
Costello	Hansen	Meyers
Cox	Hastert	Mica
Cramer	Hastings (WA)	Miller (CA)
Crane	Hayes	Miller (FL)
Crapo	Hayworth	Minge
Creameans	Hefley	Molinari
	Heineman	Montgomery